

CALIFORNIA COASTAL COMMISSION

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Staff: AJP-LB
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Hearing Date: 6/13-16/00

STAFF REPORT:
DENOVO & REGULAR CALENDAR

LOCAL GOVERNMENT: City of Los Angeles

LOCAL DECISION: Approval with Conditions

APPLICATION NUMBER: A-5-PPL-00-028/5-00-147

APPLICANT: J. Paul Getty Trust/Stephen Rountree

AGENT: Latham & Watkins, Attorneys at Law

PROJECT LOCATION: 17985 Pacific Coast Highway, and the northwest corner of Pacific Coast Highway and Coastline Drive, Pacific Palisades, City of Los Angeles

PROJECT DESCRIPTION FOR A-5-PPL-00-028 : Renovation and expansion of the Getty Villa and Museum facility (an addition of approximately 76,000 square feet to an existing 134,000 square-foot facility, for a new total of 210,000 square feet). Development includes construction of a 450-seat Outdoor Classical Theater and two partially subterranean parking structures for a net increase of 269 parking spaces for a total of 560 on-site parking spaces; parking spaces for up to 8 buses; remodel and expansion of ancillary facilities including the Auditorium, the Ranch House, the Garden Tea Room, the Bookstore and other maintenance and central plant facilities; grading and modification of on-site landscaping; widening of fire roads and the terminus of Los Lions Drive. The project includes approximately 163,300 cubic yards of cut and 45,500 cubic yards of fill.

PROJECT DESCRIPTION FOR 5-00-147: Public roadway improvements along Pacific Coast Highway including 10-foot widening of Pacific Coast Highway; extending right-turn deceleration lane; and construction of a bus stop and a 90-foot long, 10-foot wide sidewalk extension.

Summary of Staff Recommendation

The proposed project raises Coastal Act issues regarding impacts to beach and recreational access due to increase in traffic and parking demand; impacts to Monarch

butterfly habitat; polluted runoff; geologic hazards; and increased noise impacts to surrounding areas. To mitigate the impacts staff recommends approval of the proposed project with special conditions regarding traffic and access improvements, erosion and runoff mitigation, habitat protection, grading, future improvements, and assumption of risk.

SUBSTANTIVE FILE DOCUMENTS:

1. Environmental Impact Report, Getty Villa Master Plan, No. 96-0077.
2. City of Los Angeles Local Coastal Development Permit No. 83-017.
3. City of Los Angeles Local Coastal Development Permit No. 98-015.
4. Latham & Watkins, submittal document, dated March 10, 2000.

Staff Note:

The proposed development is within the coastal zone area of the City of Los Angeles. Section 30600(b) of the Coastal Act allows local government to assume permit authority prior to certification of a local coastal program. Under that section, the local government must agree to issue all permits within its jurisdiction. In 1978, the City of Los Angeles chose to issue its own coastal development permits.

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the Dual Permit Jurisdiction area, the Coastal Act requires that the development which receives a local development permit also obtain a permit from the Coastal Commission. Section 30601 requires a second coastal development permit from the Commission on all lands located (1) between the sea and the first public road, (2) within 300 feet of the inland extent of a beach, or the sea where there is no beach, (3) on tidelands or submerged lands, (4) on lands located within 100 feet of a wetland or stream, or (5) on lands located within 300 feet of the top of the seaward face of a coastal bluff. Outside that area, the local agency (City of Los Angeles) coastal development permit is the only coastal development permit required.

The majority of the development approved by the City is within the single permit area. Only the off-site traffic improvements along Pacific Coast Highway are located in the dual permit area. For the development that lies within the single permit area, unless the Commission appeals the decision and finds substantial issue, the local government's action is final. For development within the dual area, a second permit is required from the Commission under the requirements of section 30601 in addition to the Commission's action on this appeal.

The City's approval of the local coastal development permit for the single permit area was appealed to the Commission in January 2000. The Commission found substantial issue at the April 2000 hearing. The De Novo portion of the appeal is the subject of this staff report.

In order to minimize duplication and unnecessary delays, Commission staff has herein combined the De Novo appeal and coastal development permit into one staff report and one Commission hearing. However, commission approval, modifications, or disapproval of this project will require separate actions on the appeal (De Novo) and coastal development permit.

I. MOTION, STAFF RECOMMENDATION AND RESOLUTION
FOR A-5-PPL-00-028:

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit #A-5-PPL-00-028 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a local coastal program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/ or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternative that would substantially lessen any significant adverse impacts of the development on the environment.

II. MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR 5-00-147:

Staff recommends that the Commission make the following motion and adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit #5-00-147 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a local coastal program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/ or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternative that would substantially lessen any significant adverse impacts of the development on the environment.

III. STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

IV. SPECIAL CONDITIONS FOR A-5-PPL-00-028

1. Outdoor Theater Operation

- (a) The maximum number of persons attending theatrical or musical performances at the Outdoor Theater shall not exceed 450.
- (b) No performances in the Outdoor Theater shall be conducted during the hours which the Museum is open to the public nor during evenings when any class, lecture, reception, or other scheduled event or activity is to take place in the Museum, Auditorium or Garden Tea Room.
- (c) All vehicles transporting visitors for theater performances shall be admitted onto the subject property no earlier than 7:00 P.M., unless theater patrons arrive prior to 5:00 P.M. during regular Museum hours.

Any proposed changes to the attendance provisions, capacity limits, or the hours of operation shall require and amendment to this permit.

2. On-site Parking Reservation

By acceptance of this permit the applicant shall agree to continue operating the parking reservation system as described in Exhibit no. 23. Under the reservation

system pedestrian and walk-in traffic to the site will not be permitted or allowed by the Getty Villa, except for mass transit riders, including taxi services, that provide proof of ridership, and neighborhood residents. All proposed changes to the reservation program shall be reported to the Executive Director. Any changes to the parking reservation program the Executive Director determines to be substantial shall require an amendment to the permit.

3. Priority of Pacific Coast Highway Traffic

By acceptance of this permit the applicant shall agree that Pacific Coast Highway through traffic has priority over traffic exiting or entering from the facility. Pursuant to this condition the applicant shall not use or solicit from public agencies the use of traffic personnel, devices or traffic signals to facilitate use of the exit at Coastline Drive and Pacific Coast Highway in any way that would change the flow of traffic on Pacific Coast Highway.

4. Off-Site Shuttle Program

With the acceptance of this permit the applicant agrees that the Shuttle program shall not include any off-site public parking lots or public streets within the Coastal Zone.

5. Parking, Car Pool and Transit Incentive Program

a) The applicant shall provide for an employee parking, carpool and transit incentive program as follows:

(1) The applicant shall actively encourage employee participation in a Transportation Ride Sharing Program and take appropriate measures to ensure that employees utilizing the car pool program are given locational preference for parking within the garage.

(2) A public transit fare reimbursement program shall be implemented by the applicant. The system shall be in effect for at least a 30-year period. The applicant shall provide for partial reimbursement to one hundred percent of the employees of the development for public transit fare to and from work.

(3) The applicant shall provide a bicycle parking area, free of charge, within the parking garage in a preferred, secured location.

(4) The applicant shall implement a publicity program, the contents of which is subject to the review and approval of the Executive Director, that indicates how the future occupants of the development will be made aware of the provisions of

this special condition. The publicity program shall be implemented during the first month of occupancy of the new development.

- b) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development within the applicant's parcel or parcels. The deed restriction shall include legal descriptions of the applicant's entire parcel or parcels. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Tree Trimming/ Monarch Butterfly Habitat.

Prior to the issuance of the permit, the applicant shall submit, for review and approval by the Executive Director, a tree trimming and fuel modification plan/program that includes procedures for trimming and/or removal of trees. The plan/program shall be prepared by an entomologist or biologist with expertise in Monarch butterflies and shall be submitted to the Department of Fish and Game for the Department's review and comment. The plan shall conform to the following:

- a) The plan shall identify the locations of potential Monarch Butterfly habitat, as generally depicted in Exhibit no. 9.
- b) The plan shall identify the amount and density of the tree canopy necessary to support Monarch Butterfly habitat.
- c) Trees located in areas described as potential Monarch Butterfly habitat areas, as identified in the plan, generally depicted in Exhibit no. 9, shall not be trimmed or removed during the Monarch butterfly's fall or winter roosting period (October through February).
- d) Any proposed tree trimming in areas designated as potential Monarch Butterfly habitat, as generally depicted in Exhibit no. 9, shall be reviewed and approved as to location, amount, and timing by an entomologist or biologist with expertise in Monarch butterflies.
- e) All fuel modification plans shall have been first reviewed and approved by the City of Los Angeles Fire Department. If the Fire Department requires

trimming or removal of trees that is inconsistent with (c) above, the applicant shall obtain an amendment to this permit.

7. Future Development Deed Restriction

A. This permit is only for the development described in coastal development permit No.A-5-PPL-00-028. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(b) shall not apply to the entire parcel, generally depicted in Exhibit No. 2. Accordingly, any future improvements to the permitted development, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), which are proposed within the restricted area shall require an amendment to Permit No. A-5-PPL-00-028 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of both the applicant's entire parcel and each of the restricted lots. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

8. Grading

Prior to issuance of the permit, the applicant shall submit for review and approval of the Executive Director, final grading plans which include grading for all roads, structures, stockpiling, and remedial landslide construction.

The applicant shall also agree, in writing, to abide by said plans. The plans shall have received preliminary review by the project geologist and the City engineer and the City geologist. Grading plans shall identify stockpiling areas and haul routes and hours during which off-site hauling if any shall occur. Hauling and other off site transportation of heavy equipment shall not occur during weekends between Memorial Day Weekend (May) and Labor Day (September).

Pursuant to such plans:

- a) All cut and fill slopes shall be stabilized with planting at the completion of rough tract grading, and upon the completion of final grading, and/or, if the Executive Director determines that grading has stopped and that the interruption of grading will extend into the rainy season. Planting should be of primarily native plant species indigenous to the Santa Monica/Malibu Mountains area. Non-native plants used for stabilization shall not be invasive or persistent species. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including all unsurfaced roads and pads;
- b) Should grading take place during the rainy season (November 1 – April 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.
- c) At the end of rough grading, all disturbed areas not scheduled for immediate development, shall be revegetated with plants indigenous to the area. The plans shall specify seed and plant sources, using, as far as possible locally collected seed. Non-native plants may be used but shall not be invasive or persistent species.
- d) All proposed changes to approved plans shall be reported to the Executive Director. No changes shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

9. Conformance of Design and Construction Plans to Geotechnical Report

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the Geotechnical/Soils Reports prepared by Woodward-Clyde, dated January 27, 1997 and subsequent supplemental reports. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.

- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

10. Assumption of Risk

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from landslides and soil erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant, J. Paul Getty Trust, shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

11. Water Quality

Prior to the issuance of coastal development permit A-5-PPL-00-028, the applicant shall submit for the review and approval of the Executive Director, a drainage and polluted runoff control plan for the on-site roadways, turnouts, and parking areas. The plan shall be prepared by a licensed civil engineer and shall employ all feasible, best management practices to minimize the volume, velocity and pollutant load of stormwater leaving the developed areas of the site. The plan shall include, but not be limited to, the following criteria:

(a) Post-development peak runoff rates and average volumes shall not exceed pre-development conditions.

(b) Runoff from all parking areas, turnouts, and driveways shall be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey any runoff in excess of this standard from the developed site in a non-erosive manner.

(c) The plan shall include provisions for maintaining the drainage and filtration systems so that they are functional throughout the life of the approved development. Such maintenance shall include the following: (1) the drainage and filtration system shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30th each year and (2) should any of the project's surface or subsurface drainage/filtration structures fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area.

12. Pacific Coast Highway Improvements

Prior to issuance of the permit, the applicant shall submit plans for the review and approval by the Executive Director, showing the following improvements:

- a) Relocation of bus stop, from the northeast corner to the northwest corner of Pacific Coast Highway and Coastline Drive, and construction of an approximately 90- foot long by 10-foot wide sidewalk extension for the bus stop, generally depicted in Exhibit no.19.
- b) Widening by 10 feet on the north side of Pacific Coast Highway at Sunset Boulevard for a distance of approximately 230 feet to provide a right turn lane on the westbound Pacific Coast Highway approach. Relocate and modify traffic signals, street lights, and other public improvements as required and

install a wheelchair ramp at the northeast corner of the intersection, generally depicted in Exhibit no. 20.

The plans shall indicate the location and type of development proposed. Prior to the issuance of the certificate of occupancy, the applicant shall submit evidence that the plans have been reviewed and approved by the California Department of Transportation. By acceptance of this permit, the applicant agrees to complete such improvements prior to occupancy of the Getty Villa's on-site improvements approved in this permit.

13. Music/ Noise Restriction

No amplified instrumental or vocal music shall be permitted for the Outdoor Theater. At no time shall amplified performers' voices, instrumental or vocal music from the Outdoor Theater be audible beyond the property boundaries.

14. Project Scope.

If not specifically modified by this action, the project shall be carried out as described in the application submitted to the City of Los Angeles, in the bound document, dated March 10, 2000, submitted by the applicant, and as required by in the conditional use permit #98-0361 and coastal development permit #98-015 issued by the City of Los Angeles. The project as described by this permit and its accompanying proposal, generally described in Exhibits no. 2 and 7, includes the operating procedures, hours of operation, parking and traffic management, restrictions on use of the amphitheater during hours of museum operation, management of tour buses, limitation on visitors to a reservation system, number and types of activities. Any proposed change to such procedures, operations and activities, including but not limited to changes in the City requirements shall be reported to the Executive Director to determine if an amendment to this permit is necessary. This action has no effect on local conditions imposed pursuant to an authority other than the Coastal Act.

15. Off-Site Improvements

Prior to the issuance of the coastal development permit, the applicant shall provide a schedule for the completion of traffic improvements required by the Commission or by the City of Los Angeles in its action approving the project.

The required off-site improvements include those listed in Condition no. 12 above. All identified off-site improvements shall be completed prior to the City's issuance of the certificate of occupancy. The completion schedule shall be submitted to, reviewed and approved in writing by the Executive Director. Any change in City or California

Department of Transportation requirements shall be reported to the Executive Director who shall determine whether or not an amendment to this permit is necessary.

V. SPECIAL CONDITIONS FOR 5-00-147

1. Pacific Coast Highway Improvements

Prior to issuance of the permit the applicant shall submit plans for the review and approval by the Executive Director, showing the following improvements:

- a) Construction of an approximately 90-foot long, 10-foot wide sidewalk extension along Pacific Coast Highway, at the northwest corner of Pacific Coast Highway and Coastline Drive, and installation of a pole sign for a public bus stop.

The plans shall indicate the location and type of development proposed. Prior to the issuance of the certificate of occupancy, the applicant shall submit evidence that the plans have been reviewed and approved by the California Department of Transportation. By acceptance of this permit, the applicant agrees to complete such improvements prior to occupancy of the Getty Villa's on-site improvements approved in this permit.

VI. FINDINGS AND DECLARATIONS FOR A-5-PPL-00-028:

The Commission hereby finds and declares:

A. Project Description and Location

The proposed project includes the renovation and expansion of the Getty Villa and Museum facility (an addition of approximately 76,000 square feet to an existing 134,000 square-foot facility, for a new total of 210,000 square feet). Development includes the expansion and enhancement of certain ancillary facilities, museum support functions, the art and conservation laboratories and facilities, public lobbies, circulation and entry areas, restrooms and widening and relocation of portions of existing fire roads. Ancillary facilities to be renovated include the Auditorium, the Ranch House, the Garden Tea Room, the Bookstore and other maintenance and central plant facilities; grading and modification of on-site landscaping; widening of fire roads and the terminus of Los Liones Drive; construction of a 450-seat Outdoor Classical Theater and a 250-space and 200-space partially subterranean parking structures for a total of 560 on-site parking spaces plus parking spaces for up to 8 buses (see Exhibits no. 2-4).

The project includes excavation of approximately 163,300 cubic yards of earth and 45,500 cubic yards of fill, within or adjacent to areas already paved or disturbed. Of the total excavated material, approximately 117,800 cubic yards would be exported (see Exhibit no. 8).

The City's conditions of approval include: relocation of an existing MTA bus stop and extension of the existing sidewalk; widening by 10-feet on the north side of Pacific Coast Highway at Sunset Boulevard for a distance of approximately 230 feet to provide a right-turn lane for westbound Pacific Coast Highway; installation of a stop sign at the intersection of Los Liones Drive and Tramonto Drive; future street dedication and improvements at Los Liones Drive terminus; limiting Outdoor Classical Theater attendance to 450 persons; and hours of operation for the Outdoor Theater (see Exhibit no. 21, for City's permit).

The project site consists of a 64 acre parcel just off of Pacific Coast Highway in the Pacific Palisades area of the City of Los Angeles. The property is situated within a small canyon. The property is located approximately three miles northwest of the City of Santa Monica and one-half mile east of the City of Malibu.

The proposed site is bounded on the east and west by residential development; to the north Topanga State Park; and to the south Pacific Coast Highway and Will Rogers and Topanga State Beaches.

According to the EIR, the J. Paul Getty Museum opened to the public in 1953 as a museum housing the art collection of its founder J. Paul Getty. The collection was housed in gallery space located at the east end of the Ranch House, the original residence purchased by J. Paul Getty. In 1957, a gallery wing was constructed adjacent to the Ranch House. In 1974, the collection was moved to the newly completed Roman Villa building, which has since served as the Museum.

In 1983 the City issued a coastal development permit (#83-017) for the renovation and construction of two new additions to the existing Ranch House and additional staff parking for the Museum. The additions included a single-story building, approximately 1,700 square feet to be used as a restoration workshop; and an approximately 3,000 square foot single-story building to be used as a conservation laboratory. The City's permit included conditions that limited the size of the ancillary facilities; restricted the number of days and hours of operation of the Museum; required a parking reservation system; and limited the number of on-site parking spaces. (see City's permit and conditions, Exhibit no. 22).

B. Area Planning History

The City of Los Angeles has a work program to complete a local coastal program in the Pacific Palisades planning area. This work program discusses hillside development standards to reduce grading, the Sunset Boulevard corridor, and the landslides above Pacific Coast Highway. There is no draft LCP for this area.

C. Public Access/Traffic

All projects requiring a coastal development permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. Section 30210 states that maximum access and recreational opportunities shall be provided to protect public rights:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states in part:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by providing adequate parking facilities.

Section 30211 and 30252 of the Coastal Act emphasizes that development should protect access to the coast by preserving the availability of access routes and parking facilities. Congestion of access routes to this area has been an issue in many past Commission permit actions.

The 64-acre Getty Villa property is located just off of Pacific Coast Highway in the Pacific Palisades area of the City of Los Angeles. Public access to the Getty Villa property is from Pacific Coast Highway adjacent to Coastline Drive. Additional vehicular access is provided for employees and some service vehicles via Los Liones Drive, which is located northeast of the proposed property and west of Sunset Boulevard. Coastline Drive, which serves the adjoining neighborhood, is located immediately to the west of the project site.

Pacific Coast Highway is the major thoroughfare providing direct access to the various beaches from Santa Monica to Malibu. Pacific Coast Highway is oriented in an east-west direction in the vicinity of the project site. Sunset Boulevard is oriented in a north-south direction in the general vicinity of the project side but continuous as a curving, winding roadway through Pacific Palisades and Brentwood, generally oriented in an east-west direction. Sunset Boulevard provides access to the coast and to two lower entrances to Topanga State Park, for people living in the inland areas. Topanga State Park, which is a major 8,000-acre recreational area. The lower trailhead entrance to the park, is located off of and north of Sunset Boulevard via Los Liones Drive, and is within close proximity to the project site.

1. Traffic

Traffic generated by increasing the intensity of the site will impact access to the coast by adding traffic to the already congested roadway system. Additional traffic generated by new development will contribute to the congestion of the road system, which will cause travel delays and access difficulties to public recreational areas that are accessed by the congested roadways. Due to the increase traffic congestion, the public may avoid the beaches and recreational areas found in the area and go to more easily accessible beaches and recreational areas, which may overburden those areas.

Current public vehicular access to the site is via the ingress driveway from Pacific Coast Highway, east of Coastline Drive; and the egress driveway from Coastline Drive north of Pacific Coast Highway.

Ingress from Pacific Coast Highway is available only for west bound traffic. Visitors traveling eastbound on Pacific Coast Highway must drive past the site and complete a U-turn to return to the driveway. Employee vehicular access is provided via Los Liones Drive, west of Sunset Boulevard.

The EIR states that the peak traffic periods for the surrounding area are between the hours of 8:00-9:00 A.M. and 5:00-6:00 P.M., based on traffic counts conducted in June, 1995, and August 1999. Traffic counts were conducted during the weekday and weekend. However, because weekday traffic counts were greater during the weekday, the traffic study prepared for the proposed project used weekday traffic counts for the analysis (see Exhibits no. 12-14, for existing traffic volumes at key intersections).

According to the EIR's traffic study, the existing use generates approximately 1,400 daily trips (700 inbound, 700 outbound), 138 A.M. peak hour trips (131 inbound, 7 outbound), and 203 P.M. peak hour trips (39 inbound, 164 outbound).

The proposed project will generate 1,334 net new daily trips, consisting of 79 net new A.M. peak hour trips (75 trips inbound and 4 trips outbound) and 162 net new P.M. peak hour trips (58 trips inbound and 104 trips outbound).

The traffic study analyzed nine intersections in the surrounding area. Existing conditions at each of the intersections were evaluated using the Critical Movement Analysis (CMA) method which determines the Volume to Capacity (V/C) ratio on a critical lane basis. The overall intersection V/C ratio was subsequently assigned a Level of Service (LOS) value to describe intersection operations. LOS is a qualitative measure of the effect of such factors as travel speed, travel time, interruptions, freedom to maneuver, safety, driving comfort, and convenience. The LOS ranges in descending order of congestion from A (free flow) to F (jammed condition). LOS D is generally accepted as the lowest satisfactory service level in urban areas.

There are currently six intersections in the surrounding area operating at LOS E or LOS F under existing conditions. The six intersections are:

- Topanga Canyon Boulevard and Pacific Coast Highway (A.M. peak hour)
- Coastline Drive and Pacific Coast Highway (A.M. and P.M. peak hours)
- Porto Marina Way and Pacific Coast Highway (A.M. and P.M. peak hours)
- Temescal Canyon Road and Pacific Coast Highway (A.M. peak hours)
- Chautauqua Road/Channel Road and Pacific Coast Highway (A.M. and P.M. peak hours)
- California Incline and Pacific Coast Highway (A.M. and P.M. peak hours)

According to the EIR, the Los Angeles Department of Transportation has established criteria for determination of a significant transportation impact. The criteria are based on a sliding scale, as shown below:

CRITERIA FOR DETERMINING SIGNIFICANCE

<u>Level of Service Final V/C Ratio</u>		<u>Project-Related Increase in V/C</u>
C	>0.700-0.800	Equal to or greater than 0.040
D	>0.800-0.900	Equal to or greater than 0.020
E, F	>0.900	Equal to or greater than 0.010

The EIR states that the proposed project, prior to mitigation, would result in significant traffic impacts at the following intersections during the P.M. peak hour:

Coastline Drive and Pacific Coast Highway (V/C change: .02)
 Porto Marina Way and Pacific Coast Highway (V/C change : .015)
 Sunset Boulevard and Pacific Coast Highway (V/C change: .014)

Incremental, but less than significant, impacts would occur at all other intersections within the study area, during the A.M. and P.M. peak hours.

To mitigate the traffic impacts, the applicant is proposing the following mitigation measures which have been incorporated into the project as conditions of approval by the City:

Coastline Drive/Pacific Coast Highway. Relocate the existing MTA bus stop located on the northeast corner of the intersection to the northwest corner; and extend the existing sidewalk on the northwest corner of the intersection to the relocated bus stop location.

Sunset Boulevard/Pacific Coast Highway. Widen by 10 feet on the north side of Pacific Coast Highway at Sunset Boulevard for a distance of approximately 230 feet to provide a right turn lane on the westbound Pacific Coast Highway approach. Relocate and modify traffic signals, street lights, and other public improvements as required and install a wheelchair ramp at the northeast corner of the intersection.

With implementation of the mitigation measures, impacts at the intersection of Sunset Boulevard and Pacific Coast Highway would be reduced to less than significant levels. Significant impacts at the Coastline Drive/PCH intersection would still remain. The EIR states that while the bus stop relocation at the Coastline Drive/PCH intersection would incrementally improve operations, the measure is not sufficient to mitigate the impacts to a level of insignificance based on the Los Angeles Department of Transportation criteria.

According to the EIR and Caltrans, the impact to Coastline Drive and PCH would result from traffic delays on Coastline Drive rather than PCH, due to outbound traffic associated with evening events (see letter from Caltrans, Exhibit no. 11). During the evening, traffic volumes are at their lowest levels of the day. However, Getty Villa staff has previously been stationed on-site at the Coastline Drive exit driveway to monitor and assist traffic flow leaving the property. According to the applicant, the Getty Villa will continue this traffic management during the evening events. The EIR concludes that, based on the number of vehicles and current timing of the signal, it is expected that the Coastline Drive/PCH intersection will adequately accommodate traffic exiting the Getty Villa following an evening event.

Moreover, according to the applicant, the applicant has not requested and is not anticipating requesting that the California Department of Transportation change the timing at the Coastline Drive/Pacific Coast Highway intersection to accommodate exiting traffic from the Getty Villa.

Furthermore, the use of Los Liones Drive, which provides access to the lower portion of Topanga State Park and serves as ingress and egress to the Getty site for employees and business visitors, will continue to function in the same manner under the proposed plan. The

lower trail head entrance to Topanga State Park is located off of and west of Sunset Boulevard via Los Liones Drive. Under the City's approval Los Liones Drive will be prohibited from use by the general public for entry onto the property. Los Liones Drive will remain limited to egress for buses and to ingress and egress for employees, business visitors, and delivery vehicles.

The California Department of Parks and Recreation, initially expressed concern with the original project due to potential use of Los Liones Drive as a possible public entrance to the Getty Villa. However, after reviewing the recently proposed project and the City's conditions of approval limiting the use of Los Liones Drive, State Parks does not feel that the project will adversely impact Topanga State Park and supports the use of Los Liones Drive as limited access to Getty Villa (see Exhibit no. 10 for letter from the Director of the California State Parks).

Moreover, according to attendance figures provided by the Getty Villa, during the last ten years the museum attracted approximately 400,000 annual visitors. The Getty Villa estimates that fewer visitors will visit the site than in past years, since the Getty Villa will only house the collection of classical antiquities. Popular collections previously housed at the Getty Villa, including paintings, decorative arts, European sculpture, photographs, illuminated manuscripts, and drawings, have all been relocated to the new Getty Center in Brentwood. Therefore, they conclude, because of the more narrow appeal of the antiquities collection on-site and the presence of the Getty Center as a competitor for visitors, the Getty Villa will likely attract fewer visitors than it attracted during historically. However, this prediction does not take into account increased tourism, population growth in California, and increased demand for cultural and recreational activities that can be expected to occur.

The proposed project will add approximately 76,000 square feet to the existing 134,000 square-foot facility. The increase in floor area at the Getty Villa includes floor area necessary to comply with ADA access requirements and other code compliance, and to enhance ancillary amenities for visitors and the conservation program. The proposed project will not increase the public gallery areas of the Museum. Approximately 20% of the increase in floor area will provide improved circulation, restrooms and public lobbies. Approximately 8% of the increase in floor area will be added to the Auditorium to provide lobbies, dressing rooms and storage areas, but the number of seats in the Auditorium will remain unchanged. Approximately 16% of the increase in floor area will be added to the Garden Tea Room in order to provide ADA access, ample circulation in the cafeteria service area, adequate food preparation, storage and employee areas (see Exhibit no. 7). Moreover, the City's condition of approval for the permit prohibit the Garden Tea Room from serving as a destination restaurant.

Forty percent of the increase in floor area will be added to the Art and Conservation Laboratories and Facilities. This expansion will provide employees with needed space to

restore and preserve art. According to the applicant, the number of employees will not change from the previous levels.

The conclusions in the EIR were based upon the Los Angeles Department of Transportation methodology, which assumes traffic growth to be directly proportional to increased floor area. The traffic analysis in the EIR forecasted a 56.7% increase in traffic generated by the Getty Villa, based solely upon a corresponding increase in the total floor area of the Getty Villa. The EIR did not take into account that attendance is not projected to increase or that additional floor area would not attract or accommodate additional visitors.

The project as proposed and approved by the City has been modified to reduce the traffic impacts along Pacific Coast Highway. The museum and theater will operate non-concurrently so that traffic for the two uses will not be generated at the same time. The City has limited the museum to 10:00 A.M. to 5:00 P.M. five days per week and 10:00 AM to 9:00 P.M. one day per week. The theater is prohibited from operating during hours the Museum is open to the public and visitors for theater performances are prohibited from admittance onto the property to no earlier than 7:00 P.M. The Commission finds that these restrictions are necessary to mitigate the traffic impacts of the proposed project and therefore they are required under the special conditions.

The increase in traffic along Pacific Coast Highway, which is the major beach access route to the beaches between Santa Monica and Malibu in this area, can impact beach access. With additional traffic there will be longer delays and travel time will increase. Such changes could discourage beach and recreational users from this area and force them to go to other area with easier access. This may result in the over use of other areas that are more easily accessed. Therefore, a special condition requiring improvements along PCH at the intersections of Sunset and Coastline are also necessary to ensure that the traffic impacts generated by the proposed project are adequately mitigated. Furthermore, because timing of the traffic signals can affect traffic flow and congestion, it is important that the project will not cause a change in the traffic signal timing along PCH. Therefore, as a condition of this permit the applicant shall agree that Pacific Coast Highway traffic has priority over traffic exiting from the facility and the applicant will not request a modification in the traffic signal timing, the use of traffic control personnel or other devices to facilitate use of the exit at Coastline Drive and Pacific Coast Highway in any way that would change the flow of traffic on Pacific Coast Highway.

Moreover, to ensure that future development will not adversely impact traffic to and along the beach, a future improvements condition is necessary. The future improvements condition will require that any future development, including repair and maintenance activities to development approved by this permit shall require an additional coastal development permit from the Commission. The Commission finds, therefore, that the proposed project, only as conditioned, will not adversely impact traffic and access to and along the beach and will be consistent with Section 30210, 30211, and 30252 of the Coastal Act.

2. Parking

The Getty Villa property currently provides 291 parking spaces for visitors and employees. The three primary parking areas are a partially subterranean parking facility below the Main Peristyle Garden, that provides 110 spaces, a 83 space surface parking area (camper lot) southwest of the Museum, and a surface area that provides 98 spaces located northeast of the Museum and east of the Ranch House.

In order to ensure adequate on-site parking, the Museum operates a parking reservation system whereby visitors are required to have an advance reservation to park on-site. To prevent off-site parking on local streets, pedestrians using local transit or taxi service are admitted into the Museum only with a receipt. The parking reservation system was originally part of a 1974 agreement between the adjoining Sunset Mesa Property Owners Association and the Getty Museum (see no.23). The reason for the agreement was due to Museum visitors parking on the nearby residential streets and the parking conflicts between residents and Museum visitors. Subsequently, the reservation system was incorporated into the City's original coastal development permit in 1983, and has been incorporated, by reference, in the City's current coastal development permit and conditional use permit.

Public transit service in the area is provided by the Los Angeles County Metropolitan Transportation Authority. A transit stop is located at the northeast corner of Coastline Drive and Pacific Coast Highway.

The proposed project includes the construction two partially subterranean parking structures. One structure will provide of 250-spaces and the other will provide 200-spaces. With the new proposed structures and the remaining on-site parking spaces there will be a total of 560 on-site parking spaces, plus parking spaces for up to 8 buses. Of the 560 total parking spaces, 360 spaces will be available for public use and the remaining 200 will be for employees.

To ensure that adequate on-site parking would be available, as mentioned above, the parking reservation system would remain in effect for guests, visitors, and invitees for each day the Museum is open to the public. In addition the applicant is proposing to institute a shuttle program, as conditioned by the City's permit approvals.

According to the applicant the condition of a shuttle program was imposed when the theater was originally proposed with an occupancy of 600 visitors. Subsequently, the City Council limited the attendance of the theater to 450 and prohibited simultaneous use of the Museum and theater.

The applicant asserts that with the reduction of theater attendance and restriction to non-concurrent use of the Museum and Theater, it is not anticipated that an off-site shuttle

program will be necessary. Furthermore, the EIR traffic and parking analysis estimates that average vehicle ridership (AVR) for theater performances will be 2.5 persons per vehicle. Based on this AVR, only 180 on-site parking spaces need to be available at the Getty Villa to accommodate the demand that will be generated by the theater. Therefore, since the supply exceeds the projected demand generated by the theater, there will be more than adequate parking for patrons and no need for a shuttle.

Although a shuttle may not be needed, the City required a condition for a shuttle program. The Commission concurs that a shuttle system may not be necessary since there is adequate parking to meet the projected demand for the Outdoor Theater. However, if shuttle sites are used they could adversely impact beach and recreational parking if the sites are within the coastal zone and are used by beach or recreational users or the museum/theater usurps support parking for other visitor serving uses. The applicant has indicated that all potential shuttle site locations are located outside of the coastal zone. The applicant has submitted a letter tentatively identifying three locations outside of the coastal zone, that could be used as shuttle sites. The proposed shuttle sites, located outside the coastal zone, will not have an adverse impact on coastal access. To ensure that future off-site shuttle program remote parking sites will not usurp beach or State Park parking opportunities, a condition is necessary requiring the applicant to agree that no off-site parking areas within the Coastal Zone will be used for the shuttle program.

The City's approval of the project included a parking variance. Based on City parking standards for institutions, the City requires two parking spaces per 1,000 square feet. Based on this ratio, the proposed project would require 746 parking spaces. The City granted a parking variance permitting a reduction in the on-site parking requirement to 560 parking spaces, including 360 public visitor spaces. The City granted the variance based on the parking needs of the site and the existing parking reservation system, which limits the number of vehicles parking on the site. As a condition of the City's approval, the City required the continuation of the reservation system.

According to the applicant, the Getty Villa's physical characteristics and operations will remain consistent with the Getty Villa as it existed before it closed to the public. The proposed project provides for an expansion of certain ancillary services, but will not result in the attraction or accommodation of additional visitors or the need for additional employees. Public gallery space at the Museum will not increase at all and the number of seats at the Auditorium will remain unchanged. The expansion of the Garden Tea Room includes floor area for disabled access and improved circulation, and additional seating will reduce wait-time for existing guests. Furthermore, the applicant estimates that fewer visitors will visit the site than in past years, since the Getty Villa will only house the collection of classical antiquities. Popular collections previously housed at the Getty Villa, including paintings, decorative arts, European sculpture, photographs, illuminated manuscripts, and drawings, have all been relocated to the new Getty Center in Brentwood.

Furthermore, according to the EIR, a parking supply of 560 on-site spaces will be adequate to meet the parking demand for the Museum and theater uses. The EIR states that, based on a worst-case analysis, a total of 376 parking spaces would be required to meet peak parking demand for Museum visitors and employees, and an additional 180 spaces would be required to meet the demand generated by the 450-seat theater. Therefore, the total parking demand of the Museum and theater would be 556 spaces. The total parking demand is based on simultaneous use of the Museum and theater. However, the Museum and theater will not operate concurrently, as conditioned by the City.

In the City's conditional use permit and coastal development permit, the City conditioned the project to prohibit the simultaneous use of the Museum and theater. The City has limited the operating hours of the Museum to 10:00 A.M. to 5:00 P.M. five days per week and 10:00 AM to 9:00 P.M. one day per week. The theater is prohibited from operating during hours the Museum is open to the public and visitors for theater performances are prohibited from admittance onto the property to no earlier than 7:00 P.M.

In summary, to ensure that the parking demand will not exceed the on-site parking supply, special conditions requiring that the Museum and theater uses will not operate simultaneously and the theater will be limited to a maximum attendance of 450 people is necessary. Furthermore, one of the reasons that the on-site parking has been adequate to meet the demand generated by the on-site facilities is due to the reservation system that has been in place since 1984. Without this reservation system, parking demand for the Museum could exceed the supply and adversely impact traffic and surrounding public beach and State Park parking. Therefore, as a condition of this permit, the reservation system shall continue to be enforced. The Commission, therefore, finds that only as conditioned will the proposed project be consistent with Section 30210, 30211, and 30252 of the Coastal Act.

D. Environmentally Sensitive Resources

Section 30230 states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30240(a) states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

According to the EIR utilized by the City in approving the CDP, historical use of the property as a residence and for cultivation of citrus orchards, followed by museum related development, has eliminated nearly all natural vegetation from the southern and central canyon in which the project site is located. Although small numbers of coast live oak trees, western sycamores and native shrub species persist, the lower canyon is currently dominated by non-native plant species. The southern periphery of the property and slopes lining the lower canyon currently support large numbers of myoporum, eucalyptus and pine trees. Eucalyptus also line the entrance driveway.

1. Monarch Butterfly Habitat

According to the approved project's EIR, the Monarch butterfly has previously been observed on the site. Monarch butterflies were observed roosting on the property between 1984 and 1993. According to the EIR and report prepared by LSA Associates, Inc., roosts are generally located in tree groves, including exotic trees such as eucalyptus, pine and cypress, that are protected from wind and cold and in close proximity to nectar and water sources. Tree groves located in the bottom of canyons and on north and east facing slopes, that are protected from the sun, are generally areas that provide the most suitable habitat.

Monarch butterflies tend to cluster in areas beneath overhanging foliage and above ground covered by duff (decaying leaves and branches) or vegetation. Foliage overhanging the monarch butterfly clusters lessens the radiation of heat from clusters at night. Trees that are not used to support clusters are important to Monarchs because they serve as perches for sunning and protection from wind.

According to the California Department of Fish and Game, the Monarch butterfly is not listed by the State as a California Species of Special Concern (the EIR and the City's report

incorrectly state that the Monarch butterfly is listed). The Commission, however, in past coastal development permit actions has considered habitat that is used by the Monarch butterfly as environmentally sensitive habitat and has required protection of the habitat.

Adult Monarch butterflies winter on the coast of California from Baja California to Mendocino County. These butterflies travel to their wintering locations in the fall, remain during the winter, and disperse in spring. Aggregations of wintering Monarch butterflies begin to form as early as September and October. They tend to disperse by mid-February or march in Northern California and earlier in Southern California.

Monarch butterfly aggregations consist of clusters of butterflies on leaves, branches and trunks of trees. Clusters vary in size between 10 and a few thousand butterflies. According to the California Department of Fish and Game's Natural Diversity Data Base report, over 1,000 Monarch butterflies were observed roosting in a grove of eucalyptus trees south of the public parking lot in previous years. In 1989-90, up to 15,000 Monarch butterflies returned to the property and roosted in pine trees in the same location. The most recent reported sighting was 500 monarchs in 1992-93. The EIR states that although the groves of eucalyptus and pine trees are still present, no aggregating Monarch butterflies have been observed by Museum personnel over the last few years.

A recent survey was conducted by Clinton Kellner, PH.D., of LSA Associates, Inc. The survey was conducted on January 20, 21, 31, and February 1, 2000. The survey indicates that only 10 butterflies were observed at the Getty Villa site, but no aggregations were observed. According to the report, an off-site Monarch butterfly aggregation at the northwest corner of the intersection of Pacific Coast Highway and Busch Drive, near Point Dume, Malibu, was surveyed on January 31, 2000, to determine whether aggregations continued to exist for the winter. The presence of between 40 and 50 Monarch butterflies flying and sunning themselves indicated that the butterflies had not yet dispersed from their aggregations. Based on this surveyed aggregation, LSA Associates, Inc. determined that the survey for aggregating Monarch butterflies at the Getty site was conducted at the proper time of year.

The proposed development will be located within the central and southwestern portion of the site. The proposed development sites are outside of the areas that have previously been used as roosting sites for the Monarch butterfly.

According to the applicant approximately 645 eucalyptus trees, including many groves of trees, will be preserved on-site. These groves are generally located along the southeastern and northern portion of the site. Trees to be removed are located in southwestern portions of the site where development is proposed. Approximately 74 trees on the southwestern portion of the site are proposed for removal.

According to the survey conducted by Clinton Kellner, PH.D. of LSA Associates, Inc., the groves located in the eastern, southeastern and northern portions of the site, because of their grouping and location, offer the most suitable conditions for Monarch butterflies. Based on past observations by Getty personnel these are the areas where prior aggregations have been sighted.

Trees located on the southwestern portion of the site provide the least suitable habitat on-site because they receive sunlight throughout the day. According to the survey, there are approximately 645 trees on the eastern and southeastern portion of the site and north of the Ranch House.

According to the applicant, the Getty Villa has maintained a routine tree trimming program to satisfy the City's Fire Department requirements for fuel modification. Past fuel modification measures included tree trimming along the property's boundary and clearing of debris. To continue to allow the fuel modification process and at the same time attempt to protect the Monarch butterflies roosting sites, the City required a condition to limit pruning of the trees during the winter roosting period. However, the language in the City's permit does not make it clear when the critical period is and when trimming should be avoided.

According to the Department of Fish and Game and the report prepared by LSA Associates, Inc., aggregations of wintering monarchs begin to form as early as September and October. Monarch butterflies tend to disperse by mid-February or March in Northern California and earlier in Southern California.

Although the EIR states that monarchs have not been observed during recent field surveys, the report does not state the time of year the surveys were conducted or whether Monarchs were observed in other areas off-site. Therefore, it can not be determined, at this time, if there was an overall decline in the Monarch population during the period of the recent survey, or if there were other factors contributing to Monarchs not roosting on the property or surrounding area. It is possible that large numbers of Monarchs will return seeking to roost at the site in the future.

To address the potential impacts to the Monarch, as a condition of the local permit, the City required that:

Eucalyptus trees on-site shall be maintained, trimmed, and (if necessary) removed at such seasons as will not be detrimental to the migration, resting or reproduction of the Monarch Butterfly, except in the case of emergencies or as necessary for public safety.

The EIR and City's permit, does not specify the seasons, or potentially critical months to be avoided, to ensure that the Monarch Butterfly will not be adversely impacted. Furthermore, the condition allows the removal of Eucalyptus trees, which may eliminate or adversely

impact groves as roosting sites. Because Monarchs roost in groves, the trimming or removal of Eucalyptus trees, as allowed by the condition of the permit, could irreparably damage the grove and eliminate the roosting site. Moreover, the EIR indicates that pine trees on the property were also used as roosting sites, but the City's permit does not provide any protection or mitigation measures for these trees to minimize damage to the canopy which could have impact on the Monarch butterflies. Therefore, as a condition of the permit, the applicant shall submit a tree trimming plan/program that specially states when trees will be trimmed/pruned, and that areas designated as potential Monarch butterfly habitat, generally depicted in Exhibit no. 9, will be avoided during the Monarch butterfly's roosting period. Furthermore, any proposed trimming/pruning or tree removal within those areas designated as potential Monarch butterfly habitat will require review and on-site supervision by a qualified entomologist or biologist with expertise with Monarch butterflies and be consistent with all fuel modification plans. The Commission, therefore, finds that only as conditioned will the proposed project be consistent with Section 30230, 30231, and 30240 of the Coastal Act.

2. Control of Polluted Runoff

The proposed project poses a potential source of pollution due to contaminated runoff from the proposed parking areas and other hardscape. The EIR indicates that soils in this area have moderate to high permeability. Runoff rates are generally low due to shallow slopes. The EIR estimates that 150.1 cubic feet per second (cfs) of surface water runoff is currently generated within the primary southern watershed during a 50-year storm event. The majority of the runoff is conveyed to the Pacific Ocean via a privately maintained underground storm drain system connecting to the public storm drain system operated by the City of Los Angeles Department of Public Works. The remaining runoff is conveyed as surface flow and sheet flow to public storm drain inlets located off-site.

Existing development is concentrated in the lower canyon of the property with approximately 8.35 acres or 13 percent of the property comprised of impervious surface area. The remaining area consists of pervious areas of natural vegetation and landscaped gardens, lawns, and slopes. The proposed project would result in the addition of approximately 2.10 acres of impervious surface area and will increase surface water runoff by approximately 4 cfs.

To mitigate the potential impacts, the project should incorporate best management practices with extensive recommendations and measures to reduce or prevent contaminants from running off the site. Therefore, a special condition is necessary to require the applicant to prepare a drainage and polluted runoff plan to prevent oil, grease and sediment from washing off the parking and hardscape areas and entering the stormdrain system. The Commission, therefore, finds that only as conditioned will the proposed project be consistent with Section 30230 and 30231 of the Coastal Act.

E. Hazards and Landform Alteration

Section 30251 states in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Section 30253 states:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

(4) Minimize energy consumption and vehicle miles traveled.

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The project site is located on a marine terrace on the southern flank of the Santa Monica mountains. The property includes a south-trending main canyon in the center of the site, northern east-west trending ridgeline and a portion of Los Liones Canyon in the northern end, the slopes of Castellammare Mesa on the east, and an unnamed south-trending remnant terrace on the west.

Site elevations range from 24 feet above mean sea level at the Pacific Coast Highway entrance to approximately 607 feet above MSL at the northwest-trending ridgeline in the northern part of the property. The majority of the property is composed of steep slopes, with approximately 85 percent of the property at over 15 percent slope, approximately 4

percent at 10-15 percent slope, and approximately 11 percent at less than 10 percent slope.

The main soil and bedrock materials within the Getty Villa include: landslide material, artificial fill, alluvium, stream-terrace deposits, terrace deposits (older alluvium), marine terrace deposits, and sedimentary bedrock of the Topanga Canyon, Sespe, and Tuna Canyon Formations.

The proposed project would result in approximately 163,300 cubic yards of cut and 45,500 cubic yards of fill. The EIR states that the grading will be within or adjacent to areas already paved or developed and lacking original undisturbed topography. Of the total excavated material, approximately 117,800 cubic yards would be exported (see Exhibit no. 8).

Approximately 44% of the excavation is due to the construction of the two proposed partially subterranean two and three level parking structures. The 250 space parking structure located in the southwest portion of the site will replace the 83 space surface parking lot. One of the reasons for constructing the parking structure partially subterranean is to lower the profile to reduce the visibility from the adjacent residences.

Additional grading (54,000 cubic yards) is also required to repair an existing landslide. The EIR indicates that landslides are common in the coastal region surrounding the project site and that three known landslides are located on-site. One of these slides, known as the East Side Slide, occurred on the east side slopes below Castellammare Mesa, to the northeast of the Museum, in March 1995. According to the EIR, this landslide represented a partial reactivation of a prehistoric landslide. A possible second, probably prehistoric, landslide is also located on the eastside slopes, and a third is located near the entrance to the Getty Villa.

Because of reactivation of the East Side slide and the potential hazard the slide poses, the City has required remediation of the slide. Remediation includes removal of the slide material and recompaction with suitable fill material and the use of retaining walls to buttress the fill. The East Side slide is located east of the existing northern access road. The road will be widened along the western side of the road, which will not require cutting into the slope. Furthermore, all proposed development will be located to the west of the road and away from the slide.

Because the other slides have not exhibited any recent movement, and no development is planned in the area of the other slides, the City is not requiring remediation of the other two slide areas.

A comprehensive geologic/soils report (Woodward-Clyde, 1997) prepared for the project and incorporated in the EIR have been reviewed and approved by the City's Department of

Building and Safety. Mitigation measures that have been incorporated into the plan and approved by the City include adherence to all City of Los Angeles design review, permitting and construction inspection procedures, field testing and materials analysis. The reports conclude that, as conditioned, no significant grading or slope stability impacts are anticipated. To ensure that the recommendations made by the consultants are implemented, the applicant shall submit evidence indicating that the consultants have reviewed the plans and all recommendations have been incorporated into the design.

Furthermore, in previous actions on hillside development in geologically hazardous areas the Commission has found that there are certain risks that can never be entirely eliminated. In addition, the Commission notes that the applicant has no control over off-site or on-site conditions that may change and adversely affect the coastal slope on the property. Therefore, the Commission finds that the proposed project is subject to risk from erosion and/or slope failure (topple) and that the applicant should assume the liability of such risk. The assumption of risk, when recorded against the property as a deed restriction, will show that the applicant is aware of and appreciates the nature of the hazards which may exist on the site and which may adversely affect the stability or safety of the proposed development. Furthermore, to ensure that all future development will be consistent with the Commission's action and with the Chapter 3 policies of the Coastal Act a future improvements deed restriction is necessary. The Commission, therefore, finds that only as conditioned will the proposed development be consistent with Section 30253 of the Coastal Act.

F. Community Character

Section 30250 of the Coastal Act provides:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources...

(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

The Getty Villa has been a visitor-serving destination within the coastal zone since it opened to the public in 1974. The Getty Villa has offered cultural, educational and recreational opportunities free of charge to visitors throughout California and the world. The proposed project will continue to provide the existing programs through upgrades of existing facilities.

However, part of the project includes a new outdoor classical theater. Although this may be a continuation of an existing program that the Getty Villa had on site, the theater will be new and performances will be in the open. The performances may produce additional noise that may affect the surrounding areas.

As stated, the proposed project is located between two residential neighborhoods with homes immediately adjacent to the site. The proposed theater location will be approximately 307 feet from the property line and approximately 350 feet from the nearest residence.

The additional noise from the evening performances may carry into these neighborhoods, especially the homes adjacent to the property. According to a noise analysis that was incorporated in the EIR, noise levels from sources including applause and soprano voice, range from inaudible to occasionally audible at the monitoring locations adjacent to the residential community (see Exhibit no. 17, for sound level comparison chart).

To ensure that noise from the theater would not impact the adjoining residential community, the City required extensive mitigating measures, including prohibiting the use of amplified instrumental or vocal music, and prohibited voice amplification from any sound enhancement system from exceeding 65 dBA at the theater seating areas most distant from the stage area.

With visitor-serving uses adjacent to residential neighborhoods conflicts may arise. The Commission, in the past, has been cognizant of these potential conflicts and has attempted to minimize the conflicts to increase compatibility between visitor-serving and residential uses. The condition imposed by the City may not ensure that noise will not travel into the adjoining neighborhoods and may not minimize the conflicts. Therefore, as a special condition of this permit, noise levels shall be limited so that no amplified noise from the theater performances shall extend beyond the boundaries of the property. The Commission finds, that only as conditioned will the proposed project be consistent with Section 30250 of the Coastal Act.

G. Local Coastal Program

Section 30604 (a) of the Coastal Act states:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

In 1978, the Commission approved a work program for the preparation of local coastal programs in a number of distinct neighborhoods (segments) in the City of Los Angeles. In the Pacific Palisades, issues identified included public recreation, preservation of mountain and hillside lands, and grading and geologic stability.

The City has submitted five land use plans for Commission review and the Commission has certified two (Playa Vista and San Pedro). However, the City has not prepared a land use plan for Pacific Palisades. In the early seventies, a general plan update for the Pacific Palisades had just been completed. When the City began the LUP process, in 1978, with the exception of two tracts (a 1200-acre tract of land and an adjacent approximately 300-acre tract) which were then undergoing subdivision approval, most private lands in the community were subdivided and built out. The Commission's approval of those tracts in 1980 meant that no major planning decisions remained in the Pacific Palisades. The tracts were A-381-78 (Headlands) and A-390-78 (AMH). Consequently, the City concentrated its efforts on communities that were rapidly changing and subject to development pressure and controversy, such as Venice, Airport Dunes, Playa Vista, San Pedro, and Playa del Rey.

As conditioned, to address coastal access, environmental resources, and geologic stability, approval of the proposed development will not prejudice the City's ability to prepare a local coastal program in conformity with Chapter 3 of the Coastal Act. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604 (a) of the Coastal Act.

H. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

DUAL PERMIT JURISDICTION (Section 30601)-- CDP 5-00-147

Staff Note:

The following section of the report discusses the application for a permit to construct traffic improvements that are located within 300 feet of the inland extent of a beach, or the sea where there is no beach, an area that was designated as within the Dual Permit Jurisdiction area by the Commission pursuant to Section 13307 of the California Code of Regulations. Thus, a coastal development permit is required from both the City and the Commission.

**VII. FINDINGS AND DECLARATIONS FOR COASTAL DEVELOPMENT
PERMIT No. 5-00-147:**

The Commission hereby finds and declares:

A. Project Description and Location

Within the City's dual permit area there are three areas of proposed traffic improvements. The three improvements involve the following:

1. Coastline Drive/Pacific Coast Highway. Extend existing deceleration lane on the northbound side of Pacific Coast Highway at Coastline Drive.
2. Coastline Drive/Pacific Coast Highway. Relocate the existing MTA bus stop located on the northeast corner of the intersection to the northwest corner; and extend the existing sidewalk approximately 90-feet on the northwest corner of the intersection to the relocated bus stop location. The new sidewalk will be 10 feet wide.
3. Sunset Boulevard/Pacific Coast Highway. Widen by 10 feet on the north side of Pacific Coast Highway at Sunset Boulevard for a distance of approximately 230 feet to provide a right turn lane on the westbound Pacific Coast Highway approach. Relocate and modify traffic signals, street lights, and other public improvements as required and install a wheelchair ramp at the northeast corner of the intersection.

After review of the proposed improvements the Executive Director determined that two of the three improvements are exempt from coastal development permit requirements. The two improvements that are exempt are the extension of the deceleration lane at Coastline Drive and Pacific Coast Highway, and the improvements at the intersection of Sunset Boulevard and Pacific Coast Highway.

The existing deceleration lane at Coastline Drive and Pacific Coast Highway was extended through lane markings by the Department of Transportation (Caltrans) in 1998, following the construction of a slough wall along the toe of the bluff. The wall was placed within the shoulder of the roadway, and measures approximately 10 to 12 feet high and 430 feet long.

The wall was installed by Caltrans in 1998, as an emergency measure to prevent earthslide debris from the hillside from falling onto the highway. As an emergency measure, the construction of the wall was exempt under Section 30600(e)(2) of the Coastal Act, which allows emergency work to repair and maintain existing highways. The section states:

Emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, as defined in Section 360 of the Vehicle Code, except for a highway designated as an official state scenic highway pursuant to Section 262 of the Streets and Highways Code, within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage. This paragraph does not exempt from this section any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.

The extension of the deceleration lane is exempt under the Repair and Maintenance Activities, section 13252(3)(B) of the California Coastal Commission Regulations. This section allows the State Department of Transportation, or their equivalent conducted by local road departments, to conduct various repair and maintenance activities which do not result in an addition to or enlargement or expansion of the existing public road facility.

The proposed improvements along Sunset Boulevard and PCH also fall under the exemption provisions of Section 13252(3)(B). The site of the proposed improvements at Sunset Boulevard and PCH is currently improved with a right-turn pocket/ deceleration lane and walkway within Caltrans existing right-of-way. The proposed 10-foot widening will remain within the existing improved area and will not increase the number of lanes. All other work including relocating and modification to the traffic signals, street lights, and installation of a wheelchair ramp at the northeast corner of the intersection is also exempt under Section 13252(3)(B).

Therefore, the only improvement that is not exempt is the relocation of the bus stop which will require the extension of the sidewalk within an unimproved area of the road right-of-way. This improvement is not exempt because it will result in the addition to or enlargement or expansion of the existing public road facility and, as such, is not considered repair or maintenance work of an existing roadway facility.

The existing bus stop, which consists of a pole sign along the shoulder of the roadway, is located in the City of Los Angeles, and in the City's Dual Permit Area. The pole sign will be removed from this location. The removal of the sign also falls under the exemption provisions of Section 13252(3)(B).

The proposed relocated site for the bus stop and sidewalk improvements are located in the County of Los Angeles. Therefore, since the new improvements are located outside of the City's jurisdiction, this project is not in the City's Dual Permit area.

Therefore, the only portion of this project that requires a coastal development permit is the construction of the new sidewalk and relocated bus stop, which is within the County of Los Angeles.

B. Public Access/Traffic

All projects requiring a coastal development permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. Section 30210 states that maximum access and recreational opportunities shall be provided to protect public rights:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by providing adequate parking facilities.

Section 30252 of the Coastal Act emphasizes that development should protect access to the coast by preserving the availability of access routes. Congestion of access routes to this area has been an issue in many past Commission permit actions.

The 64-acre Getty Villa property is located just off of Pacific Coast Highway in the Pacific Palisades area of the City of Los Angeles. Public access to the Getty Villa property is from Pacific Coast Highway. Pacific Coast Highway is the major thoroughfare providing north-south access to the various beaches to the south and north of the project site. Additional vehicular access to the site is provided for employees and some service vehicles via Los Liones Drive, which is located northeast of the proposed property and west of Sunset Boulevard. Coastline Drive, which serves an adjoining neighborhood, is located immediately to the west of the project site.

There is currently a mass transit stop located approximately in front of the Getty Villa property (northeast corner of Coastline Drive and PCH). The existing bus stop consists of a single pole sign along the shoulder of the roadway. The applicant is proposing to relocate the existing bus stop pole sign on the northeast corner of Coastline Drive and PCH to the northwest corner and extend the sidewalk and curb approximately 90-feet to the proposed location of the bus stop (see Exhibit no. 19). The proposed location for the bus stop consists of the improved roadway, unimproved (dirt/gravel) shoulder and a brick wall on the inland side of the shoulder.

The new sidewalk will be constructed within the unimproved shoulder and within Caltrans' right-of-way. The sidewalk will abut the existing brick wall. The work required will include leveling of the area and pouring of concrete for the 10-foot wide sidewalk and bus pad, which will be within the existing improved roadway. A handicap ramp will also be cut into the sidewalk at the street corner.

The City required this improvement as traffic mitigation to improve the flow of traffic at this intersection. The EIR states that, the bus stop relocation at the Coastline Drive/PCH intersection would incrementally improve operations at the intersection.

The Coastline Drive/Pacific Coast Highway intersection has only one cross-walk across Pacific Coast Highway. This cross-walk is located on the northwest side of the intersection. Therefore, by relocating the bus stop to the northwest corner, transit riders going to the beach that disembark at this stop will have easier access to the beach.

For the reasons discussed above, the proposed relocation of the bus stop and sidewalk extension will not adversely impact public access. To ensure that the proposed improvements comply with Caltrans requirements and specifications, the applicant shall submit for the review and approval by the Executive Director plans that have been reviewed and approved by Caltrans prior to the issuance of the City's certificate of occupancy permit. The Commission finds that the proposed project, only as conditioned, will be consistent with Sections 30210, 30211, and 30252 of the Coastal Act.

C. Local Coastal Program

Section 30604 (a) of the Coastal Act states:

Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

In 1978, the Commission approved a work program for the preparation of local coastal programs in a number of distinct neighborhoods (segments) in the City of Los Angeles. In the Pacific Palisades, issues identified included public recreation, preservation of mountain and hillside lands, and grading and geologic stability.

The City has submitted five land use plans for Commission review and the Commission has certified two (Playa Vista and San Pedro). However, the City has not prepared a land use plan for Pacific Palisades. In the early seventies, a general plan update for the Pacific Palisades had just been completed. When the City began the LUP process, in 1978, with the exception of two tracts (a 1200-acre tract of land and an adjacent approximately 300-acre tract) which were then undergoing subdivision approval, all private lands in the community were subdivided and built out. The Commission's approval of those tracts in 1980 meant that no major planning decisions remained in the Pacific Palisades. The tracts were A-381-78 (Headlands) and A-390-78 (AMH). Consequently, the City concentrated its efforts on communities that were rapidly changing and subject to development pressure and controversy, such as Venice, Airport Dunes, Playa Vista, San Pedro, and Playa del Rey.

As conditioned, to address coastal access, approval of the proposed development will not prejudice the City's ability to prepare a local coastal program in conformity with Chapter 3 of the Coastal Act. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604 (a) of the Coastal Act.

D. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.